

April 27, 2009

Attn: Ms. Harriet Beale  
Municipal Permit Comments  
Washington State Department of Ecology  
Water Quality Program  
P.O. Box 47696  
Olympia, WA 98504-7696

RE: Auburn's Comments on the Department of Ecology's Proposed Modifications to the Western Washington Phase II Municipal Stormwater Permit

Dear Ms. Beale:

Thank you for the opportunity to comment on the Proposed Modifications to the Western Washington Phase II Municipal Stormwater Permit, dated March 18, 2009. Auburn appreciates the Department of Ecology's request for proposals that will reduce costs of permit compliance including, but not limited to, extending interim deadlines in the permit and/or innovative practices that result in compliance with the permit (or better) at a lower cost.

This letter primarily provides permit modification proposals that respond to the outcomes of the appeals, the Phase I stormwater manual equivalency process, the widespread commitment and progress in developing a regional monitoring program, and the current economic challenges we all face. We believe the proposals maintain the permit's goals that we all share for protecting and improving water quality.

#### CITY OF AUBURN COMMENTS AND RECOMMENDATIONS

1. S5.C.4 Controlling Runoff from New Development, Redevelopment and Construction Sites

*Proposed Ecology Modification:* Ecology proposes an effective date of November 16, 2009 for the controlling runoff ordinance required to be adopted by August 15, 2009.

*Auburn Comments and Proposals:* Auburn concurs with Department of Ecology's proposal to provide several months between the ordinance adoption date and ordinance effective date to allow for revisions of stormwater management and construction standards, permit applications and submittal requirements, internal permit review and inspection procedures, documentation procedures, training, and local development community outreach. However, Auburn recommends extending both the ordinance adoption and the effective dates as follows and for the reasons listed:

**A. Extend the controlling runoff ordinance adoption date from August 15, 2009 to February 2010** to allow Phase II permittees sufficient time to incorporate Board decisions into the adoption process and evaluate equivalent Phase I manuals. Specifically:

- The Board's decision to leave the one-acre threshold in effect was made in February 2009 and requires additional time and steps in an already tight code adoption schedule. The additional time and steps are necessary to inform the public and elected officials of the options and obtain direction on which option to implement through the code revisions (i.e., one standard jurisdiction-wide or two standards dependent on site disturbance).
- Allow adequate time for public review and comment periods on two policy issues instead of one; the above options and the entire NPDES code revisions package (which includes illicit discharge detection and elimination, controlling runoff, maintenance standards).
- Analysis of potential equivalent Phase I Stormwater Manuals has been delayed and challenging because the Manuals became available to Phase II permittees at varying times, equivalency status was unclear and analysis is more complex because it requires analysis of the Manual and associated codes and policies.

**B. Extend the effective date for the controlling runoff ordinance from the proposed November 16, 2009 to May 2010** for the following reasons:

- Provides additional time for code adoption process as noted above.
- Provides time to revise existing municipal stormwater management and construction standards (separate from drafting and adopting code revisions), permit applications and submittal requirements, internal permit review, inspection and documentation procedures including those for low impact development best management practices, training, and local development community outreach.
- Provides efficiency gains for municipalities because annual reporting beginning January 1 better aligns with other development services reporting processes.
- Provides better alignment with NPDES permit annual report requirements and a January 1, 2010 implementation date is easy to remember.

2. S8.C. Preparation for Future Long-Term Monitoring

*Proposed Ecology Modifications:* None. Briefly, section S8. C requires *each* Western Washington Phase II permittee to develop the following information by December 31, 2010 in preparation for implementing a monitoring program (modeled on the one currently required in Phase I permits) in the next NPDES Phase II permit (2012):

- Stormwater Monitoring: Identify 2-3 municipal outfalls (# required depends on population) representing different land uses for permanent installation and operation of flow-weighted composite sampling equipment. Provide site maps and descriptions. Document how sites are selected, justify the basin size (based on a comparison of the times of concentration with rainfall durations for typical seasonal storms).
- SWMP Effectiveness Monitoring: Identify two suitable effectiveness monitoring questions and select sites where monitoring will be conducted. This monitoring shall include, at a minimum, plans for stormwater, sediment or receiving water monitoring of physical, chemical and/or biological characteristics. For each question, develop a monitoring plan.

*Auburn Comments and Proposals:* Auburn strongly recommends extending the deadline for developing the Section 8C Preparation for Future Long Term Monitoring information as follows and for the reasons listed.

A. **Extend the S8C Preparation for Future Long Term Monitoring deadline from December 31, 2010 to December 31, 2011 and require Phase II municipalities to sign up for the Association of Washington Cities (AWC) and Washington State Association of Counties (WSAC) monitoring consortium email distribution list** for the following reasons:

1. Future Phase II permit monitoring program requirements are unknown.
  - The current future Phase II monitoring requirements were based on those in the current Phase I permit. Since the permits were issued, Ecology, the environmental community, the development community and both Phase I and II municipal permittees have been working together to establish a Puget Sound Monitoring Consortium and develop a tangible study design by summer of 2010 for the next set of NPDES permits that can reduce duplication of efforts and improve environmental information. (Attachment 1).
  - A 'Stormwater Work Group' was set up by Ecology and will transition to the Puget Sound Partnership in July 2009. Its charge is to "develop a regional stormwater monitoring and assessment program, focused on developed and developing lands, which can begin after June 2010. This deadline was established by the Department of Ecology as necessary for the strategy to be useful in developing the monitoring requirements to be included in the next round of municipal stormwater NPDES permits." (Attachment 2)

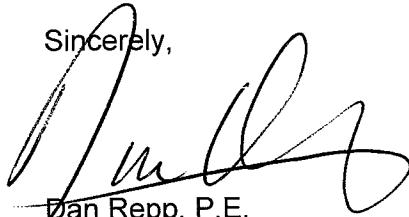
- Ecology, the Puget Sound Partnership and the Washington Forum on Monitoring support the Consortium's and Stormwater Work Group's work to develop a coordinated, effective monitoring program for the next NPDES municipal stormwater permits. (Attachment 1)
  - The regional stormwater monitoring and assessment program that is being developed is expected to be an innovative program that results in compliance with the permit monitoring goals at a lower cost.
  - The proposed requirement for Phase II municipalities to sign up for the AWC and WSAC monitoring consortium email distribution list ensures that the eighty-six Western Washington Phase II municipalities are kept informed and provided opportunities to participate (as resources allow) in the development of the regional monitoring plan and implementation compliance options for the next NPDES permits.
2. Limited resources, economic impacts: Until monitoring conditions for the next Phase II permit and implementation compliance options are known, dedicating resources to complying with these "potential" monitoring requirements is wasteful.
- Phase II municipalities have limited resources and those are allotted in this permit term to making this regional monitoring effort meaningful, useful, successful, to implementing the Permit's Stormwater Management Program and to managing and responding to local stormwater issues.
  - Municipal budget approvals for new resources to support permit implementation have been reduced and/or placed on hold because of economic conditions.
  - See comments in A.1 about the development of the next permit's monitoring program requirements.
3. Flexibility and Fiscal Stewardship. Extending the deadline to December 31, 2011 allows Ecology the time to evaluate the Stormwater Work Group's regional stormwater monitoring and assessment program and modify the current 'preparation for future long-term monitoring' requirements to align with the program.
4. No data is lost by delaying these requirements because none is required to be collected prior to the next permit term.

Ms. Harriet Beale  
Washington State Department of Ecology  
April 27, 2009  
Page 5 of 5

5. It is likely that the monitoring program and implementation compliance options developed for Puget Sound Phase II municipalities will also be applicable to the other Western Washington Phase II municipalities.

Thank you for your consideration of these comments and proposals. If you have any questions, please contact Chris Thorn, Water Quality Program Coordinator at 253-804-5065.

Sincerely,

A handwritten signature in black ink, appearing to read 'Dan Repp', written over a horizontal line.

Dan Repp, P.E.  
Utilities Engineer  
City of Auburn

DR/tc/jr

Cc: Chris Thorn, Water Quality Program Coordinator